

**Statement of Rep. Christopher H. Smith, Chairman
Subcommittee on Africa, Global Human Rights and International Operations
February 28, 2006**

Central Asia Democracy and Human Rights Act of 2006

Colleagues, it's my pleasure this afternoon to mark up HR 3189, the Central Asia Democracy and Human Rights Act of 2006. Since 9/11, the strategic nature of this troubled region for the United States has become apparent, as the five countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are strategically positioned at the crossroads of Europe, Asia and the Muslim world.

Unfortunately, in the 15 years of independence following decades of Soviet misrule, the trends in most of these countries are moving in the wrong direction. However, instead of throwing up our hands and writing off the region, we must redouble our efforts. Even when the existing leadership seemingly barricades itself against political winds of change, we must think about how best to encourage the development and training of the next generation of leaders. This is one of the reasons why I introduced HR 3189.

THUMBNAIL SKETCHES OF THE FIVE REPUBLICS

As Chairman of this subcommittee and Helsinki Commission Co-Chairman, I appreciate the wide spectrum of conditions in Central Asia. On one end is **Kyrgyzstan**, whose people rose to oust a corrupt leader in February-March of last year. President Bakiev [bah-KEY-ev] was subsequently elected in July in a free and fair election – a first in the region. However, since then, the bloom has faded on the “Tulip Revolution.” I’m frankly very concerned by the possible return of Uzbek refugees and the Putin-esque plan to investigate all NGOs that receive foreign funding.

On the other end of the spectrum is **Uzbekistan**, where President Karimov [kah-REE-mov] has ruled since 1989. He has maintained Soviet-era censorship, limited religious freedoms, and allowed no political opposition, in effect creating a repressive police state. Uzbekistan's dreadful human rights record deteriorated even further after the government massacre of demonstrators in Andijan last May. Just last week, Uzbek prosecutors sentenced a moderate, would-be opposition activist to 13 years in prison on blatantly political charges.

Turkmenistan competes mightily with Uzbekistan for the booby prize of worst human rights violator in the OSCE region. Under president-for-life Niyazov [nee-YAH-zov], Turkmenistan is one of the most repressive and closed countries in the world. All opposition groups are banned, and the country's citizens enjoy no political or religious freedoms.

In the middle, we find Kazakhstan and Tajikistan, but both display negative trends. In **Kazakhstan**, President Nazarbayev [nah-zar-BAH-yev] won the December 2005 election with an implausible 91% of the vote through harassment of the opposition, tight control of the airwaves and election-day vote fraud. Also alarming was the recent execution-style murder of an opposition figure – the *second* opposition leader murdered in three months – and Astana's forcible return of Uzbek refugees to Uzbekistan where they will surely be tortured and beaten.

In **Tajikistan**, President Rakhmonov [rock-MON-ov] has been consolidating his grip on power. In 2004, he orchestrated a referendum to potentially extend his tenure in office until 2020. To remove potential challengers,

his government has also jailed opposition figures; one was sentenced last fall to 23 years in prison on politically motivated charges.

As we all remember, President Bush famously announced in his second inaugural address that “It is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.” My bill answers the President’s call by focusing U.S. efforts on moving these countries away from repression and towards greater respect for democracy and human rights.

BACKGROUND

HR 3189 enjoys support from a variety of NGOs, including the International League for Human Rights, Freedom House, the Center for the Victims of Torture, the Protection Project, the International Justice Mission, and the Becket Fund for Religious Liberty.

In response to formal and informal comments we have received, I will be offering an amendment in the nature of a substitute. In brief, the bill provides funding for democracy and human rights programming, and would require an annual presidential determination for assistance to each government that would examine five categories: democratization; free speech; freedom of religion; torture; and rule of law.

The constructive foreign assistance provided in the Act will support activities like democratic institution-building, the protection of fundamental freedoms, and the expansion of radio broadcasting in the region. The conditioning of all non-humanitarian U.S. assistance to the individual governments is based on

whether the President determines each is making “substantial, sustained and demonstrable progress” towards democratization and full respect of human rights.

If a country is not certified, economic and military assistance would be withheld in a graduated format. Notably, withheld money is not lost for the people of the region. The President is authorized to reallocate withheld funds to provide financial assistance to programs that promote free and fair elections, build civil society, develop independent media, enhance religious freedoms, prosecute human traffickers, and train judges and fight corruption.

Also notable, the substitute provides an exception for democratic change, allowing the President to restore all assistance after elections deemed consistent with OSCE and international standards. This ensures that newly and freely elected governments may receive all allocated funds and not have to pay for the transgressions of their predecessors.

The bill provides the President flexibility, as it allows the U.S. to express dissatisfaction in a significant way while not immediately ending all aid programs to central governments. Also, mindful of the importance of not overly restricting the President’s flexibility in foreign affairs, the amended version now provides the President with a full national security waiver.

Protection of fundamental freedoms for the people of Central Asia is what will ultimately promote long-term stability and security in the region. Acquiescence to the status quo challenges the sincerity of our stated objectives, as declared in the 2002 National Security Strategy, to “stand firmly for the nonnegotiable demands of human dignity.”

The bill has been cosponsored by a number of Members of this Subcommittee including my friend, Rep. Donald Payne. Others on the Subcommittee may wish to be added before we move to mark up the measure. I am asking for the support of Members of this Subcommittee on Africa, Global Human Rights and International Operations so we can favorably report this bill out of the subcommittee.